

BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION

DAVID E. DIFFLEY
Claimant

VS.

ATCHISON CASTING CORPORATION
Respondent
Self-Insured

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Docket No. 176,937

ORDER

The respondent requested review of the Award entered by Assistant Director David A. Shufelt dated March 4, 1996.

APPEARANCES

Claimant appeared by his attorney, Jack L. Heath of Topeka, Kansas. Respondent appeared by its attorney, John W. Fresh of Atchison, Kansas.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

The Assistant Director awarded claimant permanent partial disability benefits based upon a 9 percent whole body functional impairment and awarded claimant future medical benefits upon proper application and hearing. Respondent requests review of the issues of nature and extent of disability and whether claimant is entitled to future medical benefits as awarded.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds:

The Appeals Board adopts the findings and conclusions of the Assistant Director and finds that claimant has sustained a 9 percent whole body functional impairment as a result of his November 21, 1991, work-related accident and is entitled to receive permanent partial disability

benefits pursuant to K.S.A. 1991 Supp. 44-510e based upon that rating. In addition, claimant is entitled to request additional medical benefits from the Director as the need may arise upon proper application, notice and hearing. See Boucher v. Peerless Products, Inc., 21 Kan. App. 2d 977, 911 P.2d 198 (1996)

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Assistant Director David A. Shufelt dated March 4, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Jack L. Heath, Topeka, KS
John W. Fresh, Atchison, KS
David A. Shufelt, Assistant Director
Philip S. Harness, Director